

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CALVIN HARRIS, SR., A.H. and C.H.,

Plaintiffs,

v.

KB HANSON TRUCKING, INC. and
KD HANSON TRUCKING, INC.,

Defendants.

ORDER

09-cv-162-slc

Plaintiffs originally filed their diversity lawsuit in this case on March 20, 2009. It is now November 6, 2009, and nothing substantive has happened in this case. Indeed, only by dint of repeated prodding by the court has there been even minimal procedural progress: on July 29, 2009, plaintiffs filed their second amended complaint and on July 31, 2009 they served one defendant. Nothing has happened since.

It is now November 6, 2009. The served defendant's deadline for answering expired about ten weeks ago. Giving plaintiffs the benefit of every possible doubt, Rule 4(m)'s 120 day deadline service deadline for the other defendant expires at Thanksgiving. At that time, this court likely will dismiss half of this lawsuit for failure of service and will dismiss the claims against the served defendant if plaintiffs do not forthwith file a proper motion for default judgment and follow through.

Plaintiffs' lawyers have been remarkably lax in their pursuit of this case and remarkably resistant to this court's admonitions to get moving. Given plaintiffs' failure to prosecute this case with even a modicum of diligence, this lawsuit likely will be gone by December.

Entered this 6th day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge